

Senate Bill No. 2003

Passed the Senate August 29, 1996

Secretary of the Senate

Passed the Assembly August 21, 1996

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 1799.111 to the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 2003, Costa. Mental health: patient transfers.

Existing law prohibits any person who in good faith, and not for compensation, renders emergency care at the scene of an emergency from being liable for any civil damages resulting from any act or omission. Existing law also establishes certain requirements regarding factors for consideration in any action for damages involving a claim for negligence against a physician and surgeon for emergency medical services provided in a general acute care hospital emergency department.

This bill would provide that a general acute care hospital, its licensed professional staff, or any physician and surgeon providing emergency medical services to any person at the hospital shall not be civilly or criminally liable for detaining a person, or for the actions of the person following release from the hospital, if certain conditions exist. The bill would also specify that its provisions would not affect the hospital's responsibility to comply with all state laws pertaining to the use of seclusion and restraint and psychiatric medications for psychiatric patients.

The people of the State of California do enact as follows:

SECTION 1. Section 1799.111 is added to the Health and Safety Code, to read:

1799.111. (a) A licensed general acute care hospital, as defined by subdivision (a) of Section 1250, licensed professional staff of the hospital, or any physician and surgeon, providing emergency medical services to a person at the hospital shall not be civilly or criminally liable for detaining a person, or for the actions of the



person after release from the hospital, if all of the following conditions exist:

(1) The person cannot be safely released from the hospital because, in the opinion of the treating physician and surgeon, the person, as a result of a mental disorder, presents a danger to himself or herself, or others, or is gravely disabled. For purposes of this paragraph, “gravely disabled” means an inability to provide for his or her basic personal needs of food, clothing, or shelter.

(2) The hospital staff or treating physician and surgeon have made, and documented, repeated unsuccessful efforts to find appropriate mental health treatment for the person.

(3) The person is not detained beyond eight hours.

(b) Nothing in this section shall affect the responsibility of a general acute care hospital to comply with all state laws and regulations pertaining to the use of seclusion and restraint and psychiatric medications for psychiatric patients. Persons detained under this section shall retain their legal rights regarding consent for medical treatment.

(c) A person detained under this section shall be credited for the time detained, up to eight hours, in the event he or she is placed on a subsequent 72-hour hold pursuant to Section 5150 of the Welfare and Institutions Code.

Approved _____, 1996

Governor

